

SECOND REGULAR SESSION

HOUSE BILL NO. 1792

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LAUER.

4589H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.261 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session and 160.261 as enacted by house bill no. 215 merged with house bill no. 505, ninety-seventh general assembly, first regular session, and to enact in lieu thereof one new section relating to school safety, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 160.261 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session and 160.261 as enacted by house bill no. 215 merged with house bill no. 505, ninety-seventh general assembly, first regular session, are repealed and one new section enacted in lieu thereof, to be known as section 160.261, to read as follows:

160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 2. The policy shall require school administrators to report acts of school violence to all
14 teachers at the attendance center and, in addition, to other school district employees with a need
15 to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school
16 personnel who are directly responsible for the student's education or who otherwise interact with
17 the student on a professional basis while acting within the scope of their assigned duties. As
18 used in this section, the phrase "act of school violence" or "violent behavior" means the exertion
19 of physical force by a student with the intent to do serious physical injury as defined in section
20 556.061 to another person while on school property, including a school bus in service on behalf
21 of the district, or while involved in school activities. The policy shall at a minimum require
22 school administrators to report, as soon as reasonably practical, to the appropriate law
23 enforcement agency any of the following crimes, or any act which if committed by an adult
24 would be one of the following crimes:

- 25 (1) First degree murder under section 565.020;
- 26 (2) Second degree murder under section 565.021;
- 27 (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or
28 kidnapping in the first degree under section 565.110;
- 29 (4) First degree assault under section 565.050;
- 30 (5) Rape in the first degree under section 566.030;
- 31 (6) Sodomy in the first degree under section 566.060;
- 32 (7) Burglary in the first degree under section 569.160;
- 33 (8) Burglary in the second degree under section 569.170;
- 34 (9) Robbery in the first degree under section 569.020 as it existed prior to January 1,
35 2017, or robbery in the first degree under section 570.023;
- 36 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017,
37 or manufacture of a controlled substance under section 579.055;
- 38 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January
39 1, 2017, or delivery of a controlled substance under section 579.020;
- 40 (12) Arson in the first degree under section 569.040;
- 41 (13) Voluntary manslaughter under section 565.023;
- 42 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1,
43 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary
44 manslaughter in the second degree under section 565.027;
- 45 (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017,
46 or second degree assault under section 565.052;
- 47 (16) Rape in the second degree under section 566.031;

48 (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or
49 kidnapping in the second degree under section 565.120;
50 (18) Property damage in the first degree under section 569.100;
51 (19) The possession of a weapon under chapter 571;
52 (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior
53 to January 1, 2017, or child molestation in the first, second, or third degree pursuant to section
54 566.067, 566.068, or 566.069;
55 (21) Sodomy in the second degree pursuant to section 566.061;
56 (22) Sexual misconduct involving a child pursuant to section 566.083;
57 (23) Sexual abuse in the first degree pursuant to section 566.100;
58 (24) Harassment under section 565.090 as it existed prior to January 1, 2017, or
59 harassment in the first degree under section 565.090; [or]
60 (25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in
61 the first degree under section 565.225;
62 **(26) Making a terrorist threat under section 574.115; or**
63 **(27) Statutory rape under section 566.032;**
64
65 committed on school property, including but not limited to actions on any school bus in service
66 on behalf of the district or while involved in school activities. The policy shall require that any
67 portion of a student's individualized education program that is related to demonstrated or
68 potentially violent behavior shall be provided to any teacher and other school district employees
69 who are directly responsible for the student's education or who otherwise interact with the
70 student on an educational basis while acting within the scope of their assigned duties. The policy
71 shall also contain the consequences of failure to obey standards of conduct set by the local board
72 of education, and the importance of the standards to the maintenance of an atmosphere where
73 orderly learning is possible and encouraged.
74 3. The policy shall provide that any student who is on suspension for any of the offenses
75 listed in subsection 2 of this section or any act of violence or drug-related activity defined by
76 school district policy as a serious violation of school discipline pursuant to subsection 9 of this
77 section shall have as a condition of his or her suspension the requirement that such student is not
78 allowed, while on such suspension, to be within one thousand feet of any school property in the
79 school district where such student attended school or any activity of that district, regardless of
80 whether or not the activity takes place on district property unless:
81 (1) Such student is under the direct supervision of the student's parent, legal guardian,
82 or custodian and the superintendent or the superintendent's designee has authorized the student
83 to be on school property;

84 (2) Such student is under the direct supervision of another adult designated by the
85 student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school
86 which suspended the student and the superintendent or the superintendent's designee has
87 authorized the student to be on school property;

88 (3) Such student is enrolled in and attending an alternative school that is located within
89 one thousand feet of a public school in the school district where such student attended school;
90 or

91 (4) Such student resides within one thousand feet of any public school in the school
92 district where such student attended school in which case such student may be on the property
93 of his or her residence without direct adult supervision.

94 4. Any student who violates the condition of suspension required pursuant to subsection
95 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of
96 sections 167.161, 167.164, and 167.171. In making this determination consideration shall be
97 given to whether the student poses a threat to the safety of any child or school employee and
98 whether such student's unsupervised presence within one thousand feet of the school is disruptive
99 to the educational process or undermines the effectiveness of the school's disciplinary policy.
100 Removal of any pupil who is a student with a disability is subject to state and federal procedural
101 rights. This section shall not limit a school district's ability to:

102 (1) Prohibit all students who are suspended from being on school property or attending
103 an activity while on suspension;

104 (2) Discipline students for off-campus conduct that negatively affects the educational
105 environment to the extent allowed by law.

106 5. The policy shall provide for a suspension for a period of not less than one year, or
107 expulsion, for a student who is determined to have brought a weapon to school, including but
108 not limited to the school playground or the school parking lot, brought a weapon on a school bus
109 or brought a weapon to a school activity whether on or off of the school property in violation of
110 district policy, except that:

111 (1) The superintendent or, in a school district with no high school, the principal of the
112 school which such child attends may modify such suspension on a case-by-case basis; and

113 (2) This section shall not prevent the school district from providing educational services
114 in an alternative setting to a student suspended under the provisions of this section.

115 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined
116 under 18 U.S.C. Section 921 and the following items, as defined in section 571.010: a blackjack,
117 a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife,
118 knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade
119 knife; except that this section shall not be construed to prohibit a school board from adopting a

policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable

156 manner by any certificated school personnel in the presence of a witness who is an employee of
157 the school district pursuant to a written policy of discipline established by the board of education
158 of the school district, as long as no allegation of sexual misconduct arises from the spanking or
159 use of force.

160 11. If a student reports alleged sexual misconduct on the part of a teacher or other school
161 employee to a person employed in a school facility who is required to report such misconduct
162 to the children's division under section 210.115, such person and the superintendent of the school
163 district shall report the allegation to the children's division as set forth in section 210.115.
164 Reports made to the children's division under this subsection shall be investigated by the division
165 in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated
166 by the school district under subsections 12 to 20 of this section for purposes of determining
167 whether the allegations should or should not be substantiated. The district may investigate the
168 allegations for the purpose of making any decision regarding the employment of the accused
169 employee.

170 12. Upon receipt of any reports of child abuse by the children's division other than
171 reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165
172 which allegedly involve personnel of a school district, the children's division shall notify the
173 superintendent of schools of the district or, if the person named in the alleged incident is the
174 superintendent of schools, the president of the school board of the school district where the
175 alleged incident occurred.

176 13. If, after an initial investigation, the superintendent of schools or the president of the
177 school board finds that the report involves an alleged incident of child abuse other than the
178 administration of a spanking by certificated school personnel or the use of reasonable force to
179 protect persons or property when administered by school personnel pursuant to a written policy
180 of discipline or that the report was made for the sole purpose of harassing a public school
181 employee, the superintendent of schools or the president of the school board shall immediately
182 refer the matter back to the children's division and take no further action. In all matters referred
183 back to the children's division, the division shall treat the report in the same manner as other
184 reports of alleged child abuse received by the division.

185 14. If the report pertains to an alleged incident which arose out of or is related to a
186 spanking administered by certificated personnel or the use of reasonable force to protect persons
187 or property when administered by personnel of a school district pursuant to a written policy of
188 discipline or a report made for the sole purpose of harassing a public school employee, a
189 notification of the reported child abuse shall be sent by the superintendent of schools or the
190 president of the school board to the law enforcement in the county in which the alleged incident
191 occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the

228 children's division shall report the incident to the prosecuting attorney of the appropriate county
229 along with the findings and conclusions of the school board, however, the incident and the names
230 of the parties allegedly involved shall not be entered into the central registry of the children's
231 division unless and until the alleged child abuse is substantiated by a court of competent
232 jurisdiction.

233 21. Any superintendent of schools, president of a school board or such person's designee
234 or law enforcement officer who knowingly falsifies any report of any matter pursuant to this
235 section or who knowingly withholds any information relative to any investigation or report
236 pursuant to this section is guilty of a class A misdemeanor.

237 22. In order to ensure the safety of all students, should a student be expelled for bringing
238 a weapon to school, violent behavior, or for an act of school violence, that student shall not, for
239 the purposes of the accreditation process of the Missouri school improvement plan, be
240 considered a dropout or be included in the calculation of that district's educational persistence
241 ratio.

160.261. 1. The local board of education of each school district shall clearly establish
2 a written policy of discipline, including the district's determination on the use of corporal
3 punishment and the procedures in which punishment will be applied. A written copy of the
4 district's discipline policy and corporal punishment procedures, if applicable, shall be provided
5 to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning
6 of each school year and also made available in the office of the superintendent of such district,
7 during normal business hours, for public inspection. All employees of the district shall annually
8 receive instruction related to the specific contents of the policy of discipline and any
9 interpretations necessary to implement the provisions of the policy in the course of their duties,
10 including but not limited to approved methods of dealing with acts of school violence,
11 disciplining students with disabilities and instruction in the necessity and requirements for
12 confidentiality.

13 2. The policy shall require school administrators to report acts of school violence to all
14 teachers at the attendance center and, in addition, to other school district employees with a need
15 to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school
16 personnel who are directly responsible for the student's education or who otherwise interact with
17 the student on a professional basis while acting within the scope of their assigned duties. As
18 used in this section, the phrase "act of school violence" or "violent behavior" means the exertion
19 of physical force by a student with the intent to do serious physical injury as defined in
20 subdivision (6) of section 565.002 to another person while on school property, including a school
21 bus in service on behalf of the district, or while involved in school activities. The policy shall
22 at a minimum require school administrators to report, as soon as reasonably practical, to the

23 appropriate law enforcement agency any of the following crimes, or any act which if committed
24 by an adult would be one of the following crimes:

- 25 (1) First degree murder under section 565.020;
- 26 (2) Second degree murder under section 565.021;
- 27 (3) Kidnapping under section 565.110;
- 28 (4) First degree assault under section 565.050;
- 29 (5) Rape in the first degree under section 566.030;
- 30 (6) Sodomy in the first degree under section 566.060;
- 31 (7) Burglary in the first degree under section 569.160;
- 32 (8) Burglary in the second degree under section 569.170;
- 33 (9) Robbery in the first degree under section 569.020;
- 34 (10) Distribution of drugs under section 195.211;
- 35 (11) Distribution of drugs to a minor under section 195.212;
- 36 (12) Arson in the first degree under section 569.040;
- 37 (13) Voluntary manslaughter under section 565.023;
- 38 (14) Involuntary manslaughter under section 565.024;
- 39 (15) Second degree assault under section 565.060;
- 40 (16) Rape in the second degree under section 566.031;
- 41 (17) Felonious restraint under section 565.120;
- 42 (18) Property damage in the first degree under section 569.100;
- 43 (19) The possession of a weapon under chapter 571;
- 44 (20) Child molestation in the first degree pursuant to section 566.067;
- 45 (21) Sodomy in the second degree pursuant to section 566.061;
- 46 (22) Sexual misconduct involving a child pursuant to section 566.083;
- 47 (23) Sexual abuse in the first degree pursuant to section 566.100;
- 48 (24) Harassment under section 565.090; [or]
- 49 (25) Stalking under section 565.225;
- 50 **(26) Making a terrorist threat under section 574.115; or**
- 51 **(27) Statutory rape under section 566.032;**
- 52

53 committed on school property, including but not limited to actions on any school bus in service
54 on behalf of the district or while involved in school activities. The policy shall require that any
55 portion of a student's individualized education program that is related to demonstrated or
56 potentially violent behavior shall be provided to any teacher and other school district employees
57 who are directly responsible for the student's education or who otherwise interact with the
58 student on an educational basis while acting within the scope of their assigned duties. The policy

59 shall also contain the consequences of failure to obey standards of conduct set by the local board
60 of education, and the importance of the standards to the maintenance of an atmosphere where
61 orderly learning is possible and encouraged.

62 3. The policy shall provide that any student who is on suspension for any of the offenses
63 listed in subsection 2 of this section or any act of violence or drug-related activity defined by
64 school district policy as a serious violation of school discipline pursuant to subsection 9 of this
65 section shall have as a condition of his or her suspension the requirement that such student is not
66 allowed, while on such suspension, to be within one thousand feet of any school property in the
67 school district where such student attended school or any activity of that district, regardless of
68 whether or not the activity takes place on district property unless:

69 (1) Such student is under the direct supervision of the student's parent, legal guardian,
70 or custodian and the superintendent or the superintendent's designee has authorized the student
71 to be on school property;

72 (2) Such student is under the direct supervision of another adult designated by the
73 student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school
74 which suspended the student and the superintendent or the superintendent's designee has
75 authorized the student to be on school property;

76 (3) Such student is enrolled in and attending an alternative school that is located within
77 one thousand feet of a public school in the school district where such student attended school;
78 or

79 (4) Such student resides within one thousand feet of any public school in the school
80 district where such student attended school in which case such student may be on the property
81 of his or her residence without direct adult supervision.

82 4. Any student who violates the condition of suspension required pursuant to subsection
83 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of
84 sections 167.161, 167.164, and 167.171. In making this determination consideration shall be
85 given to whether the student poses a threat to the safety of any child or school employee and
86 whether such student's unsupervised presence within one thousand feet of the school is disruptive
87 to the educational process or undermines the effectiveness of the school's disciplinary policy.
88 Removal of any pupil who is a student with a disability is subject to state and federal procedural
89 rights. This section shall not limit a school district's ability to:

90 (1) Prohibit all students who are suspended from being on school property or attending
91 an activity while on suspension;

92 (2) Discipline students for off-campus conduct that negatively affects the educational
93 environment to the extent allowed by law.

94 5. The policy shall provide for a suspension for a period of not less than one year, or
95 expulsion, for a student who is determined to have brought a weapon to school, including but
96 not limited to the school playground or the school parking lot, brought a weapon on a school bus
97 or brought a weapon to a school activity whether on or off of the school property in violation of
98 district policy, except that:

99 (1) The superintendent or, in a school district with no high school, the principal of the
100 school which such child attends may modify such suspension on a case-by-case basis; and

101 (2) This section shall not prevent the school district from providing educational services
102 in an alternative setting to a student suspended under the provisions of this section.

103 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined
104 under 18 U.S.C. Section 921 and the following items, as defined in section 571.010: a blackjack,
105 a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife,
106 knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade
107 knife; except that this section shall not be construed to prohibit a school board from adopting a
108 policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for
109 educational purposes so long as the firearm is unloaded. The local board of education shall
110 define weapon in the discipline policy. Such definition shall include the weapons defined in this
111 subsection but may also include other weapons.

112 7. All school district personnel responsible for the care and supervision of students are
113 authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any
114 property of the school, on any school bus going to or returning from school, during
115 school-sponsored activities, or during intermission or recess periods.

116 8. Teachers and other authorized district personnel in public schools responsible for the
117 care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable
118 care by the school district, shall not be civilly liable when acting in conformity with the
119 established policies developed by each board, including but not limited to policies of student
120 discipline or when reporting to his or her supervisor or other person as mandated by state law
121 acts of school violence or threatened acts of school violence, within the course and scope of the
122 duties of the teacher, authorized district personnel or volunteer, when such individual is acting
123 in conformity with the established policies developed by the board. Nothing in this section shall
124 be construed to create a new cause of action against such school district, or to relieve the school
125 district from liability for the negligent acts of such persons.

126 9. Each school board shall define in its discipline policy acts of violence and any other
127 acts that constitute a serious violation of that policy. "Acts of violence" as defined by school
128 boards shall include but not be limited to exertion of physical force by a student with the intent
129 to do serious bodily harm to another person while on school property, including a school bus in

130 service on behalf of the district, or while involved in school activities. School districts shall for
131 each student enrolled in the school district compile and maintain records of any serious violation
132 of the district's discipline policy. Such records shall be made available to teachers and other
133 school district employees with a need to know while acting within the scope of their assigned
134 duties, and shall be provided as required in section 167.020 to any school district in which the
135 student subsequently attempts to enroll.

136 10. Spanking, when administered by certificated personnel and in the presence of a
137 witness who is an employee of the school district, or the use of reasonable force to protect
138 persons or property, when administered by personnel of a school district in a reasonable manner
139 in accordance with the local board of education's written policy of discipline, is not abuse within
140 the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the
141 children's division shall not have jurisdiction over or investigate any report of alleged child abuse
142 arising out of or related to the use of reasonable force to protect persons or property when
143 administered by personnel of a school district or any spanking administered in a reasonable
144 manner by any certificated school personnel in the presence of a witness who is an employee of
145 the school district pursuant to a written policy of discipline established by the board of education
146 of the school district, as long as no allegation of sexual misconduct arises from the spanking or
147 use of force.

148 11. If a student reports alleged sexual misconduct on the part of a teacher or other school
149 employee to a person employed in a school facility who is required to report such misconduct
150 to the children's division under section 210.115, such person and the superintendent of the school
151 district shall report the allegation to the children's division as set forth in section 210.115.
152 Reports made to the children's division under this subsection shall be investigated by the division
153 in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated
154 by the school district under subsections 12 to 20 of this section for purposes of determining
155 whether the allegations should or should not be substantiated. The district may investigate the
156 allegations for the purpose of making any decision regarding the employment of the accused
157 employee.

158 12. Upon receipt of any reports of child abuse by the children's division other than
159 reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165
160 which allegedly involve personnel of a school district, the children's division shall notify the
161 superintendent of schools of the district or, if the person named in the alleged incident is the
162 superintendent of schools, the president of the school board of the school district where the
163 alleged incident occurred.

164 13. If, after an initial investigation, the superintendent of schools or the president of the
165 school board finds that the report involves an alleged incident of child abuse other than the

administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

201 (2) The report of the alleged child abuse is substantiated. The law enforcement officer
202 and the investigating school district personnel agree that the preponderance of evidence is
203 sufficient to support a finding that the alleged incident of child abuse did occur;

204 (3) The issue involved in the alleged incident of child abuse is unresolved. The law
205 enforcement officer and the investigating school personnel are unable to agree on their findings
206 and conclusions on the alleged incident.

207 20. The findings and conclusions of the school board under subsection 19 of this section
208 shall be sent to the children's division. If the findings and conclusions of the school board are
209 that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated,
210 the case closed, and no record shall be entered in the children's division central registry. If the
211 findings and conclusions of the school board are that the report of the alleged child abuse is
212 substantiated, the children's division shall report the incident to the prosecuting attorney of the
213 appropriate county along with the findings and conclusions of the school district and shall
214 include the information in the division's central registry. If the findings and conclusions of the
215 school board are that the issue involved in the alleged incident of child abuse is unresolved, the
216 children's division shall report the incident to the prosecuting attorney of the appropriate county
217 along with the findings and conclusions of the school board, however, the incident and the names
218 of the parties allegedly involved shall not be entered into the central registry of the children's
219 division unless and until the alleged child abuse is substantiated by a court of competent
220 jurisdiction.

221 21. Any superintendent of schools, president of a school board or such person's designee
222 or law enforcement officer who knowingly falsifies any report of any matter pursuant to this
223 section or who knowingly withholds any information relative to any investigation or report
224 pursuant to this section is guilty of a class A misdemeanor.

225 22. In order to ensure the safety of all students, should a student be expelled for bringing
226 a weapon to school, violent behavior, or for an act of school violence, that student shall not, for
227 the purposes of the accreditation process of the Missouri school improvement plan, be
228 considered a dropout or be included in the calculation of that district's educational persistence
229 ratio.

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